

107TH CONGRESS
1ST SESSION

S. 21

To establish an off-budget lockbox to strengthen Social Security and Medicare.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mr. DASCHLE (for himself, Mr. CONRAD, Mr. FEINGOLD, Ms. STABENOW, Mr. DORGAN, Mr. WYDEN, Ms. LINCOLN, Mrs. FEINSTEIN, Mrs. CLINTON, Mrs. MURRAY, Mr. SARBANES, Mrs. BOXER, Mr. CARPER, Mr. DURBIN, Mr. JOHNSON, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. BIDEN, Mr. NELSON of Florida, Mr. LEVIN, Mr. AKAKA, Mr. CORZINE, Mr. DAYTON, Mr. KERRY, Mr. KENNEDY, Ms. MIKULSKI, and Mr. CLELAND) introduced the following bill; which was read twice and referred to the Committee on Finance

JANUARY 30, 2001

Committee discharged; referred jointly pursuant to the order of August 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one committee reports, the other committee have 14 days to report or be discharged

A BILL

To establish an off-budget lockbox to strengthen Social Security and Medicare.

1 Be it enacted by the Senate and House of Representatives
2 of the United States of America in Congress assembled

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the ``Social Security and
5 Medicare Off-Budget Lockbox Act of 2001``.

1 **SEC. 2. STRENGTHENING SOCIAL SECURITY POINTS OF**
 2 **ORDER.**

3 (a) IN GENERAL.—Section 312 of the Congressional
 4 Budget Act of 1974 (2 U.S.C. 643) is amended by insert-
 5 ing at the end the following:

6 `` (g) STRENGTHENING SOCIAL SECURITY POINT OF
 7 ORDER.—It shall not be in order in the House of Rep-
 8 resentatives or the Senate to consider a concurrent res-
 9 olution on the budget (or any amendment thereto or con-
 10 ference report thereon) or any bill, joint resolution,
 11 amendment, motion, or conference report that would vio-
 12 late or amend section 13301 of the Budget Enforcement
 13 Act of 1990.' '.

14 (b) SUPER MAJORITY REQUIREMENT.—

15 (1) POINT OF ORDER.—Section 904(c)(1) of the
 16 Congressional Budget Act of 1974 is amended by in-
 17 serting `` 312(g), ' ' after `` 310(d)(2), ' '.

18 (2) WAIVER.—Section 904(d)(2) of the Con-
 19 gressional Budget Act of 1974 is amended by insert-
 20 ing `` 312(g), ' ' after `` 310(d)(2), ' '.

21 (c) ENFORCEMENT IN EACH FISCAL YEAR.—The
 22 Congressional Budget Act of 1974 is amended in—

23 (1) section 301(a)(7) (2 U.S.C. 632(a)(7)), by
 24 striking `` for the fiscal year ' ' through the period
 25 inserting `` for each fiscal year covered by the re-
 26 tention ' ' ; and

1 (2) section 311(a)(3) (2 U.S.C. 642(a)(3)), by
 2 striking beginning with ``for the first fiscal y
 3 through the period and insert the following: ``for
 4 of the fiscal years covered by the concurrent reso
 5 tion.''.
 6

6 **SEC. 3. MEDICARE TRUST FUND OFF-BUDGET.**

7 (a) IN GENERAL.—

8 (1) GENERAL EXCLUSION FROM ALL BUDG-
 9 ETS.—Title III of the Congressional Budget Act of
 10 1974 is amended by adding at the end the following
 11 ``EXCLUSION OF MEDICARE TRUST FUND FROM ALL
 12 BUDGETS

13 ``SEC. 316. (a) EXCLUSION OF MEDICARE TRUST
 14 FUND FROM ALL BUDGETS.—Notwithstanding any other
 15 provision of law, the receipts and disbursements of
 16 Federal Hospital Insurance Trust Fund shall not be
 17 counted as new budget authority, outlays, receipts, or
 18 icit or surplus for purposes of—

19 ``(1) the budget of the United States Govern-
 20 ment as submitted by the President;

21 ``(2) the congressional budget; or

22 ``(3) the Balanced Budget and Emergency Def-
 23 icit Control Act of 1985.

24 ``(b) STRENGTHENING MEDICARE POINT OF
 25 ORDER.—It shall not be in order in the House of Rep-
 26 resentatives or the Senate to consider a concurrent res

tion on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend this section.''.

(2) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ``316,`` after ``313,``.

(B) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ``316,`` after ``313,``.

(b) EXCLUSION OF MEDICARE TRUST FUND FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended by adding at the end the following: ``The concurrent resolution shall not include the outlays and revenue totals of the Federal Hospital Insurance Trust Fund or the surplus or deficit totals required by this subsection in any other surplus or deficit totals required by this title.''

(c) BUDGET TOTALS.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended by inserting after paragraph (7) the following:

``(8) For purposes of Senate enforcement under this title, revenues and outlays of the Federal Hospital Insurance Trust Fund shall not include the outlays and revenue totals of the Federal Hospital Insurance Trust Fund or the surplus or deficit totals required by this subsection in any other surplus or deficit totals required by this title.''

1 pital Insurance Trust Fund for each fiscal year covered by the budget resolution.''.
 2

3 (d) BUDGET RESOLUTIONS.—Section 301(i) of the
 4 Congressional Budget Act of 1974 (2 U.S.C. 632(i)) is
 5 amended by—

6 (1) striking ``SOCIAL SECURITY POINT OF
 7 ORDER.—It shall'' and inserting ``SOCIAL SECURITY
 8 AND MEDICARE POINTS OF ORDER.—

9 ``(1) SOCIAL SECURITY.—It shall''; and

10 (2) inserting at the end the following:

11 ``(2) MEDICARE.—It shall not be in order in the
 12 House of Representatives or the Senate to consider
 13 any concurrent resolution on the budget (or amend-
 14 ment, motion, or conference report on the resolu-
 15 tion) that would decrease the excess of the Federal
 16 Hospital Insurance Trust Fund revenues over Fed-
 17 eral Hospital Insurance Trust Fund outlays in any
 18 of the fiscal years covered by the concurrent reso-
 19 lution. This paragraph shall not apply to amounts to
 20 be expended from the Hospital Insurance Trust
 21 Fund for purposes relating to programs within part
 22 A of Medicare as provided in law on the date of en-
 23 actment of this paragraph.''.
 23

1 (e) MEDICARE FIREWALL.—Section 311(a) of the
 2 Congressional Budget Act of 1974 (2 U.S.C. 642(a)) is
 3 amended by adding after paragraph (3), the following:

4 “(4) ENFORCEMENT OF MEDICARE LEVELS IN
 5 THE SENATE.—After a concurrent resolution on the
 6 budget is agreed to, it shall not be in order in
 7 Senate to consider any bill, joint resolution, ame-
 8 ment, motion, or conference report that would cause
 9 a decrease in surpluses or an increase in deficits
 10 the Federal Hospital Insurance Trust Fund in any
 11 year relative to the levels set forth in the appli-
 12 cation of the resolution. This paragraph shall not apply to
 13 amounts to be expended from the Hospital Insur-
 14 ance Trust Fund for purposes relating to programs
 15 within part A of Medicare as provided in law on the
 16 date of enactment of this paragraph.”.

17 (f) BASELINE TO EXCLUDE HOSPITAL INSURANCE
 18 TRUST FUND.—Section 257(b)(3) of the Balanced Budget
 19 and Emergency Deficit Control Act of 1985 is amended
 20 by striking “shall be included in all” and inserting
 21 “not be included in any”.

22 (g) MEDICARE TRUST FUND EXEMPT FROM SE-
 23 QUESTERS.—Section 255(g)(1)(B) of the Balanced Budg-
 24 et and Emergency Deficit Control Act of 1985 is amended
 25 by adding at the end the following:

1 ``Medicare as funded through the Federal Hos-
2 pital Insurance Trust Fund.''.
3

4 (h) BUDGETARY TREATMENT OF HOSPITAL INSUR-
5 ANCE TRUST FUND.—Section 710(a) of the Social Secu-
6 rity Act (42 U.S.C. 911(a)) is amended—

7 (1) by striking ``and'' the second place it a-
8 pears and inserting a comma; and

9 (2) by inserting after ``Federal Disability Insu-
10 ance Trust Fund'' the following: `` , Federal Hospit-
11 Insurance Trust Fund''.

12 **SEC. 4. PREVENTING ON-BUDGET DEFICITS.**

13 (a) POINTS OF ORDER TO PREVENT ON-BUDGET
14 DEFICITS.—Section 312 of the Congressional Budget Act
15 of 1974 (2 U.S.C. 643) is amended by adding at the en-
16 d of the following:

17 `` (h) POINTS OF ORDER TO PREVENT ON-BUDGET
18 DEFICITS.—

19 `` (1) CONCURRENT RESOLUTIONS ON THE
20 BUDGET.—It shall not be in order in the House of
21 Representatives or the Senate to consider any con-
22 current resolution on the budget, or conference r-
23 port thereon or amendment thereto, that would
24 cause or increase an on-budget deficit for any fis-
25 year.

1 ``(2) SUBSEQUENT LEGISLATION.—It shall not
 2 be in order in the House of Representatives or th
 3 Senate to consider any bill, joint resolution, ame
 4 ment, motion, or conference report if—

5 ``(A) the enactment of that bill or resolu-
 6 tion as reported;

7 ``(B) the adoption and enactment of that
 8 amendment; or

9 ``(C) the enactment of that bill or resolu-
 10 tion in the form recommended in that con-
 11 ference report,

12 would cause or increase an on-budget deficit for a
 13 fiscal year.''.
 14 (b) SUPER MAJORITY REQUIREMENT.—

15 (1) POINT OF ORDER.—Section 904(c)(1) of the
 16 Congressional Budget Act of 1974 is amended by in-
 17 serting ``312(h),'' after ``312(g),''.

18 (2) WAIVER.—Section 904(d)(2) of the Con-
 19 gressional Budget Act of 1974 is amended by insert-
 20 ing ``312(h),'' after ``312(g),''.

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